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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/541,137

06/22/2006

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EXAMINER

TO, TOAN C

ART UNIT

PAPER NUMBER

3616

MAIL DATE

DELIVERY MODE

02/20/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/541,137	Applicant(s) SVENBRANDT ET AL.	
	Examiner TOAN C. TO	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 11-17 and 19-25 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-10, 18 and 26-33 is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/16/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Request for Continued Examination

1. The request for continued examination filed on January 16, 2009 under 37 CFR 1.114 based on parent Application No. 10/541,137 is acceptable and a RCE has been established. An action on the RCE follows.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Suezawa et al (U.S. 6,450,528).

4. Suezawa discloses an air-bag unit for a vehicle seat having a squab and a back-rest (12), the back-rest including a frame (32) covered with upholstery (36a), the air-bag unit comprising: an inflatable air-bag connected to an inflator (30) to inflate the air-bag (14) upon deployment of the air-bag unit; and a mounting bracket (18), the air-bag unit being mounted to the back-rest frame (32, 39) via the mounting bracket (18) so as to be located inboard of part of the frame (32) with the inflator (30) being positioned to direct gas into the air-bag in a generally forward direction relative to the back-rest (12) such that the deployment of the air-bag unit will cause the air-bag(14) to inflate so that at least part of the air-bag lies between the frame (32, 39) and an occupant of the vehicle seat; wherein the air-bag unit is mounted such that the inflator (30) is located adjacent a

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rear-most region of the frame (32) so that a significant length of the air-bag bears against the frame (32, 39) as the air-bag is inflated upon the deployment, urging the airbag towards the occupant; wherein the air-bag unit further comprises a cover (34) within which the air-bag is initially packed, the cover (34) defining a break-line (see column 5, lines 13, 16) configured to break upon the deployment of the air-bag such that the inflating air-bag bursts out of the cover (34); the cover being configured such that a part of the cover (34) engages the back-rest frame (32, 39) upon inflation of the air-bag so as to extend substantially forwardly of the frame and to define a support against which the air-bag bears upon inflation; wherein the part of the cover (34) is configured to engage the frame (32, 39) so as also to extend inboard of the frame; wherein the part of the cover comprises a reinforcing rib.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suezawa in view of Taguchi et al (U.S. 5,957,486).

Suezawa discloses every element of the invention as discussed above except that the air-bag unit comprises an inner air-bag and an outer air-bag, the inner air-bag being provided inside the outer air-bag, and both the inner and outer airbags being

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connected to the inflator so that the inner and outer air-bags are both inflated together upon the deployment of the air-bag unit; wherein the outer air-bag is larger than the inner air-bag in that the outer air-bag extends further forwards from the inflator when fully inflated as compared with the inner air-bag; wherein the inner and outer air-bags are initially provided in a packed condition in which the inner bag and at least part of the outer bag *are* folded together in a substantially zigzag manner about fold lines.

Taguchi et al teaches the invention wherein, the air-bag unit (2) comprises an inner air-bag (22) and an outer air-bag (21), the inner air-bag being provided inside the outer air-bag (21), and both the inner and outer airbags being connected to the inflator (3) so that the inner and outer air-bags (22, 21) are both inflated together upon the deployment of the air-bag unit; wherein the outer air-bag (21) is larger than the inner air-bag (22) in that the outer air-bag extends further forwards from the inflator when fully inflated as compared with the inner air-bag; wherein the inner and outer air-bags are initially provided in a packed condition in which the inner bag and at least part of the outer bag *are* folded together in a substantially zigzag manner about fold lines (see figure 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the airbag unit for the seat of Suezawa by replacing his single airbag with a double airbags (bag within a bag) as taught by Taguchi et al such that the fold lines lying substantially parallel to a major axis of the back-rest extending away from the squab of Komatsu in order to decrease the impact of inflation to passengers upon the inflation of the airbag unit.

Response to Arguments

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TOAN C. TO whose telephone number is (571)272-6677. The examiner can normally be reached on Mon-Fri (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Q. Nguyen can be reached on (571) 272-6952. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Toan C To/
Primary Examiner, Art Unit 3616
February 15, 2009

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